

## COMMITTEE REPORT

### MR. PRESIDENT:

The Senate Committee on Commerce and Consumer Affairs, to which was referred Senate Bill No. 504, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1           Page 4, line 15, delete "shall collect and remit taxes as required by"
- 2           and insert "**shall:**
- 3               **(1) collect and pay all applicable taxes under IC 6-7-1; or**
- 4               **(2) place a legible and conspicuous notice on the outside of the**
- 5               **container in which the cigarettes are shipped. The notice shall**
- 6               **be placed on the same side of the container as the address to**
- 7               **which the container is shipped and must state the following:**
- 8               **"If these cigarettes have been shipped to you from a**
- 9               **merchant located outside the state in which you reside, the**
- 10              **merchant has under federal law reported information**
- 11              **about the sale of these cigarettes, including your name and**
- 12              **address, to your state tax collection agency. You are legally**
- 13              **responsible for all applicable unpaid state taxes on these**
- 14              **cigarettes."."**
- 15           Page 4, delete lines 16 through 18, begin a new paragraph and
- 16           insert:
- 17           **"(b) The alcohol and tobacco commission may impose, in**
- 18           **addition to any other remedies, civil penalties as follows:**
- 19               **(1) If the defendant has one (1) judgment for a violation of**
- 20               **this section committed during a five (5) year period, a civil**
- 21               **penalty of at least one thousand dollars (\$1,000) and not more**

- 1           **than two thousand dollars (\$2,000).**
- 2           **(2) If the defendant has two (2) unrelated judgments for**
- 3           **violations of this section committed during a five (5) year**
- 4           **period, a civil penalty of at least two thousand five hundred**
- 5           **dollars (\$2,500) and not more than three thousand five**
- 6           **hundred dollars (\$3,500).**
- 7           **(3) If the defendant has three (3) unrelated judgments for**
- 8           **violations of this section committed during a five (5) year**
- 9           **period, a civil penalty of at least four thousand dollars**
- 10           **(\$4,000) and not more than five thousand dollars (\$5,000).**
- 11           **(4) If the defendant has four (4) unrelated judgments for**
- 12           **violations of this section committed during a five (5) year**
- 13           **period, a civil penalty of at least five thousand five hundred**
- 14           **dollars (\$5,500) and not more than six thousand five hundred**
- 15           **dollars (\$6,500).**
- 16           **(5) If the defendant has at least five (5) unrelated judgments**
- 17           **for violations of this section committed during a five (5) year**
- 18           **period, a civil penalty of ten thousand dollars (\$10,000)."**
- 19           Page 6, line 26, after "owned" insert "**and used**".
- 20           Page 6, line 26, after "person" insert "**to facilitate a violation of**
- 21           **IC 24-3-5.**".
- 22           Page 6, delete line 27.
- (Reference is to SB 504 as introduced.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 7, Nays 0.

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Server

Chairperson